

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF Nos. 11989

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS FOR THE COMMONWEALTH OF
PUERTO RICO

Movant,

v.

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Respondent.

Re: ECF No. 11989

**JOINT URGENT CONSENSUAL MOTION OF THE
FINANCIAL OVERSIGHT AND MANAGEMENT BOARD
AND OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

**AN EXTENSION OF BRIEFING DEADLINES IN CONNECTION WITH
OFFICIAL COMMITTEE OF UNSECURED CREDITORS MOTION PURSUANT
TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 3013 FOR ENTRY OF
AN ORDER RECLASSIFYING CLASS 39A AND CLASS 41 CLAIMS UNDER
OVERSIGHT BOARD’S PLAN OF ADJUSTMENT DATED FEBRUARY 28, 2020**

To The Honorable United States District Court Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as representative of the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA”), pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”) ² (the Oversight Board, in its capacity as representative of the Commonwealth, ERS, and PBA, is referred to as the “Debtors”), and the Official Committee of Unsecured Creditors (the “Committee”) ³ respectfully submit this urgent motion (“Motion”) for an order extending the briefing schedule related to the *Motion of Official Committee of Unsecured Creditors Pursuant to Federal Rule of Bankruptcy Procedure 3013 for Entry of an Order Reclassifying Class 39A and Class 41 Claims Under Oversight Board’s Plan of Adjustment Dated February 28, 2020* [ECF No. 11989] (the “3013 Motion”).

BACKGROUND

1. On February 28, 2020, the Oversight Board, pursuant to its powers under PROMESA section 312, filed the *Amended Title III Joint Plan of Adjustment for the Commonwealth of Puerto Rico, et al.* (the “Plan”) [ECF No. 11946].

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

³ The Committee is the official committee of unsecured creditors for all Title III Debtors, other than PBA and COFINA.

2. On March 3, 2020, the Committee filed its 3013 Motion, in which it objected to the classification as set forth in the Plan and proposed reclassifying Class 39A and Class 41 claims under the Plan.

3. The current deadline to object to the 3013 Motion is **April 7, 2020**, and the reply deadline is **April 15, 2020**.

4. The 3013 Motion is currently scheduled to be heard at the omnibus hearing on **April 22, 2020**.

RELIEF REQUESTED

5. Pursuant to III.I. of the *Eleventh Amended Case Management Procedures* [Case No. 17-BK-3283-LTS, ECF No. 11885-1] (the “Case Management Order”), the deadline to file an objection is 15 calendar days before the applicable hearing date. Pursuant to this rule, the current deadline for the Debtors to file an objection is April 7, 2020. The Committee’s reply deadline is April 15, 2020, seven (7) calendar days before the applicable hearing date. The 3013 Motion is set to be heard at the April 22, 2020 omnibus hearing.

6. The Oversight Board and Committee agreed to modify the briefing schedule for the 3013 Motion.

7. Accordingly, the Oversight Board and Committee respectfully request that the Court set **April 13, 2020 at 4:00 p.m. (AST)** as the deadline for the Debtors and AAFAF to file an opposition to the 3013 Motion. Additionally, the Oversight Board does not oppose the deadline for the Committee to file a reply be set for **April 17, 2020 at 4:00 p.m. (AST)**.

CONCLUSION

8. For the foregoing reasons, the Oversight Board and Committee respectfully request that the Court (i) grant the Motion, and (ii) set the briefing schedule above for dispositive motion practice on the 3013 Motion.

**Certification of Compliance with
Local Rule 9013-1 and the Eleventh Amended Case Management Procedures**

9. Pursuant to Local Rule 9013-1 and ¶ I.H of the Case Management Order, the Oversight Board and Committee hereby certify that they have (a) carefully examined the matter; (b) not created the urgency through any lack of due diligence; and (c) made a *bona fide* effort to resolve the matter without a hearing.

[Remainder of this page intentionally left blank]

WHEREFORE the Debtors and the Committee respectfully request the Court enter the Proposed Order attached as **Exhibit A**, granting the relief requested herein and all other relief as is just and proper.

Dated: April 2, 2020
San Juan, Puerto Rico

Respectfully submitted,

/s/ Luc Despins

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer

EXHIBIT A

Proposed Order

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

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**[PROPOSED] ORDER GRANTING JOINT URGENT CONSENSUAL
MOTION OF THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD AND OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR AN
EXTENSION OF BRIEFING DEADLINES IN CONNECTION WITH OFFICIAL
COMMITTEE OF UNSECURED CREDITORS MOTION PURSUANT TO FEDERAL
RULE OF BANKRUPTCY PROCEDURE 3013 FOR ENTRY OF AN ORDER
RECLASSIFYING CLASS 39A AND CLASS 41 CLAIMS UNDER OVERSIGHT
BOARD'S PLAN OF ADJUSTMENT DATED FEBRUARY 28, 20**

Upon the *Urgent Consensual Motion of the Financial Oversight and Management Board and Official Committee of Unsecured Creditors for an Extension of Briefing Deadlines in Connection with Official Committee of Unsecured Creditors Motion Pursuant to Federal Rule of Bankruptcy Procedure 3013 for Entry of an Order Reclassifying Class 39A and Class 41 Claims Under Oversight Board's Plan of Adjustment Dated February 28, 2020* (the "Urgent Motion");⁵ and the Court having found it has subject-matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue in this district is proper pursuant to PROMESA section 307(a); and the Court having found that the Movants provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and upon the record herein, after due deliberation thereon, the Court having found that good and sufficient cause exists for the granting of the relief as set forth herein:

1. The Urgent Motion is **GRANTED** as set forth herein.
2. The following briefing schedule is set for filing responsive pleadings to the 3013

Motion:

- The deadline for the Debtors and AAFAF to file an opposition to the 3013 Motion shall be **April 13, 2020 at 4:00 p.m. (AST)**.
- The deadline for the UCC to file a reply shall be **April 17, 2020 at 4:00 p.m. (AST)**.

⁵ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Urgent Motion.

3. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: _____, 2020.

SO ORDERED:

HONORABLE LAURA TAYLOR SWAIN
United States District Judge